

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

CHRISTINE TURNER, SPECIAL
ADMINISTRATOR OF THE ESTATE
OF LINDA WARNER, Deceased

PLAINTIFF

v.

No. 4:18-cv-468-DPM

GARRY STEWART, M.D.;

DEFENDANT

SECOND MOTION IN LIMINE

COMES defendant, Garry Stewart, M.D., and for his Second Motion in Limine, states:

1. Due to the settlement between Plaintiff and the county defendants, including Dr. Stewart in his capacity as medical director of the jail, this case has been narrowed to the medical malpractice claim against Dr. Stewart as Ms. Warner's treating physician. *See* this Court's January 27, 2021 Order.

2. Based on the settlement, Dr. Stewart seeks an order in limine precluding plaintiff or her witnesses from testifying or mentioning the following issues that are no longer part of this case:

- a. Dr. Stewart's role and obligations as the medical authority for the jail;
- b. Alleged violation by Dr. Stewart, Faulkner County Detention Center, or any Faulkner County Detention Center employee or medical staff of state law or regulations, federal law or regulations, or any jail policy, procedure, or protocol, including, but not limited to the following:
 - i. The United States Constitution or the Arkansas State Constitution;
 - ii. Arkansas Detention Facility Standards;
 - iii. National Commission on Correctional Healthcare Standards;
 - iv. Faulkner County Detention Facility Policies, Procedures, and Protocols;

- c. Alleged negligent conduct or failure to act appropriately of Faulkner County Detention Center employees and/or medical staff;
- d. Liability or responsibility of Dr. Stewart for the alleged actions and/or negligence of the Faulkner County Detention Center employees and medical staff.

3. Evidence and testimony regarding these issues have no relevance to Plaintiff's medical malpractice claim against Dr. Stewart. F.R.E. 401. The introduction of this evidence would be highly prejudicial to Dr. Stewart because it would confuse the jury and represent an attempt by plaintiff to extend Dr. Stewart's potential liability beyond grounds supported by Arkansas law to claims that have been resolved and to parties that have been dismissed. FRE 403.

4. A Brief in Support is being filed contemporaneously with this Motion in Limine.

WHEREFORE, this defendant prays that his Motion in Limine be granted and for all other proper relief.

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*Attorneys for Separate Defendant,
Garry Stewart, M.D.*

CERTIFICATE OF SERVICE

In accordance with the Arkansas Rules of Civil Procedure, I hereby certify that, on the 26th day of February, 2021, a true and accurate copy of the above and foregoing document was provided, as indicated below, to the following attorneys of record:

_____ Regular Mail _____ Electronic Mail _____ Facsimile
_____ **x** **the Court's CM/ECF filing system**

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